

111TH CONGRESS  
1ST SESSION

# H. R. 2935

To establish a nonprofit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2009

Mr. DELAHUNT (for himself, Mr. BLUNT, Mr. FARR, Mr. CONYERS, Mr. BARTON of Texas, Mr. ROSS, Mr. SMITH of Texas, Mrs. CAPPS, Ms. BERKLEY, Ms. CASTOR of Florida, Mr. BONNER, Mr. RADANOVICH, Ms. SCHAKOWSKY, Mrs. BONO MACK, Mr. COBLE, Mr. SESSIONS, Mr. VAN HOLLEN, Mr. LUETKEMEYER, Mr. ROONEY, and Ms. TITUS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a nonprofit corporation to communicate United States entry policies and otherwise promote tourist, business, and scholarly travel to the United States.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Travel Promotion Act of 2009”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. The Corporation for Travel Promotion.
- Sec. 3. Accountability measures.
- Sec. 4. Matching public and private funding.
- Sec. 5. Travel Promotion Fund fees.
- Sec. 6. Investment of Funds.
- Sec. 7. Prohibition on use of funds.
- Sec. 8. Assessment authority.
- Sec. 9. Amendments to the International Travel Act of 1961.
- Sec. 10. Definitions.
- Sec. 11. GAO study.

3 **SEC. 2. THE CORPORATION FOR TRAVEL PROMOTION.**

4 (a) ESTABLISHMENT.—The Corporation for Travel  
 5 Promotion is established as a nonprofit corporation. The  
 6 Corporation shall not be an agency or establishment of  
 7 the United States Government. The Corporation shall be  
 8 subject to the provisions of the District of Columbia Non-  
 9 profit Corporation Act (sec. 29–301.01 et seq., D.C. Offi-  
 10 cial Code), to the extent that such provisions are con-  
 11 sistent with this section, and shall have the powers con-  
 12 ferred upon a nonprofit corporation by that Act to carry  
 13 out its purposes and activities.

14 (b) BOARD OF DIRECTORS.—

15 (1) IN GENERAL.—The Corporation shall have  
 16 a board of directors of 11 members, appointed by  
 17 the Secretary of Commerce, but not before consulta-  
 18 tion with the Secretaries of Homeland Security,  
 19 State, and Education, as appropriate, each of whom  
 20 is a United States citizen, and of whom—

1           (A) one shall have appropriate expertise  
2           and experience in the hotel accommodations  
3           sector;

4           (B) one shall have appropriate expertise  
5           and experience in the travel distribution sector;

6           (C) one shall have appropriate expertise  
7           and experience in the restaurant sector;

8           (D) one shall have appropriate expertise  
9           and experience in the retail sector, or small  
10          business sector;

11          (E) one shall have appropriate expertise  
12          and experience in the attractions sector;

13          (F) one shall have appropriate expertise  
14          and experience in the passenger air sector;

15          (G) one shall have appropriate expertise  
16          and experience in the car rental sector;

17          (H) one shall have appropriate expertise  
18          and experience as an official of a city conven-  
19          tion and visitor's bureau;

20          (I) one shall have appropriate expertise  
21          and experience as an official of a State Tourism  
22          Office;

23          (J) one shall have appropriate expertise  
24          and experience in immigration law and policy,

1 including visa requirements and United States  
2 entry procedures; and

3 (K) one shall have appropriate expertise  
4 and experience in the cruise line sector.

5 (2) INCORPORATION.—The members of the ini-  
6 tial board of directors shall serve as incorporators  
7 and shall take whatever actions are necessary to es-  
8 tablish the Corporation under the District of Colum-  
9 bia Nonprofit Corporation Act (sec. 29–301.01 et  
10 seq.).

11 (3) TERM OF OFFICE.—The term of office of  
12 each member of the board appointed by the Sec-  
13 retary shall be 3 years, except that, of the members  
14 first appointed—

15 (A) 3 shall be appointed for terms of 1  
16 year;

17 (B) 4 shall be appointed for terms of 2  
18 years; and

19 (C) 4 shall be appointed for terms of 3  
20 years.

21 (4) VACANCIES.—Any vacancy in the board  
22 shall not affect its power, but shall be filled in the  
23 manner required by this section. Any member whose  
24 term has expired may serve until the member’s suc-  
25 cessor has taken office, or until the end of the cal-

1       endar year in which the member's term has expired,  
2       whichever is earlier. Any member appointed to fill a  
3       vacancy occurring prior to the expiration of the term  
4       for which that member's predecessor was appointed  
5       shall be appointed for the remainder of the prede-  
6       cessor's term. No member of the board shall be eligi-  
7       ble to serve more than 2 consecutive full terms.

8               (5) ELECTION OF CHAIRMAN AND VICE CHAIR-  
9       MAN.—Members of the board shall annually elect  
10      one of their members to be chairman and elect 1 or  
11      more of their members as a vice chairman or vice  
12      chairmen.

13             (6) STATUS AS FEDERAL EMPLOYEES.—Not-  
14      withstanding any provision of law to the contrary,  
15      no member of the board may be considered to be a  
16      Federal employee of the United States by virtue of  
17      his or her service as a member of the board.

18             (7) COMPENSATION; EXPENSES.—No member  
19      of the board shall receive any compensation from the  
20      Federal Government or the Corporation by virtue of  
21      his or her service as a member of the board. Each  
22      member of the board shall be paid actual travel ex-  
23      penses and per diem in lieu of subsistence expenses  
24      when away from his or her usual place of residence,

1 in accordance with section 5703 of title 5, United  
2 States Code.

3 (c) OFFICERS AND EMPLOYEES.—

4 (1) IN GENERAL.—The Corporation shall have  
5 an Executive Director, and such other officers as  
6 may be named and appointed by the board for terms  
7 and at rates of compensation fixed by the board. No  
8 individual other than a citizen of the United States  
9 may be an officer of the Corporation. The corpora-  
10 tion may hire and fix the compensation of such em-  
11 ployees as may be necessary to carry out its pur-  
12 poses. No officer or employee of the Corporation  
13 may receive any salary or other compensation (ex-  
14 cept for compensation for services on boards of di-  
15 rectors of other organizations that do not receive  
16 funds from the Corporation, on committees of such  
17 boards, and in similar activities for such organiza-  
18 tions) from any sources other than the Corporation  
19 for services rendered during the period of his or her  
20 employment by the Corporation. Service by any offi-  
21 cer on boards of directors of other organizations, on  
22 committees of such boards, and in similar activities  
23 for such organizations shall be subject to annual ad-  
24 vance approval by the board and subject to the pro-  
25 visions of the Corporation's Statement of Ethical

1       Conduct. All officers and employees shall serve at  
2       the pleasure of the board.

3               (2) NONPOLITICAL NATURE OF APPOINT-  
4       MENT.—No political test or qualification shall be  
5       used in selecting, appointing, promoting, or taking  
6       other personnel actions with respect to officers,  
7       agents, or employees of the Corporation.

8       (d) NONPROFIT AND NONPOLITICAL NATURE OF  
9       CORPORATION.—

10              (1) STOCK.—The Corporation shall have no  
11       power to issue any shares of stock, or to declare or  
12       pay any dividends.

13              (2) PROFIT.—No part of the income or assets  
14       of the Corporation shall inure to the benefit of any  
15       director, officer, employee, or any other individual  
16       except as salary or reasonable compensation for  
17       services.

18              (3) POLITICS.—The Corporation may not con-  
19       tribute to or otherwise support any political party or  
20       candidate for elective public office.

21              (4) SENSE OF CONGRESS REGARDING LOBBYING  
22       ACTIVITIES.—It is the sense of Congress that the  
23       Corporation established under this Act should not  
24       engage in any lobbying activities with any employee

1 or branch of the Federal Government in favor of or  
2 in opposition to any political issue.

3 (e) DUTIES AND POWERS.—

4 (1) IN GENERAL.—The Corporation shall de-  
5 velop and execute a plan to—

6 (A) provide useful information to foreign  
7 tourists, business people, students, scholars, sci-  
8 entists and others interested in traveling to the  
9 United States, including the distribution of ma-  
10 terial provided by the Federal Government con-  
11 cerning entry requirements, required docu-  
12 mentation, fees, processes, and information con-  
13 cerning declared public health emergencies to  
14 prospective travelers, travel agents, tour opera-  
15 tors, meeting planners, foreign governments,  
16 travel media and other international stake-  
17 holders;

18 (B) identify and address perceptions in  
19 other countries regarding United States entry  
20 policies that tend to limit attempts to travel to  
21 the United States;

22 (C) maximize the economic and diplomatic  
23 benefits of travel to the United States by pro-  
24 moting the United States of America to world  
25 travelers through the use of, but not limited to,



1 all forms of advertising, outreach to trade  
2 shows, and other appropriate promotional ac-  
3 tivities; and

4 (D) identify opportunities and strategies to  
5 promote tourism to rural and urban areas  
6 equally.

7 (2) SPECIFIC POWERS.—In order to carry out  
8 the purposes of this section, the Corporation may—

9 (A) obtain grants from and make contracts  
10 with individuals and private companies, State,  
11 and Federal agencies, organizations, and insti-  
12 tutions;

13 (B) hire or accept the voluntary services of  
14 consultants, experts, advisory boards, and pan-  
15 els to aid the Corporation in carrying out its  
16 purposes; and

17 (C) take such other actions as may be nec-  
18 essary to accomplish the purposes set forth in  
19 this section.

20 (f) OPEN MEETINGS.—Meetings of the board of di-  
21 rectors of the Corporation, including any committee of the  
22 board, shall be open to the public. The board may, by ma-  
23 jority vote, close any such meeting only for the time nec-  
24 essary to preserve the confidentiality of commercial or fi-  
25 nancial information that is privileged or confidential, to

1 discuss personnel matters, or to discuss legal matters af-  
2 fecting the Corporation, including pending or potential liti-  
3 gation.

4 (g) MAJOR CAMPAIGNS.—The board may not author-  
5 ize the Corporation to obligate or expend more than  
6 \$25,000,000 on any advertising campaign, promotion, or  
7 related effort unless—

8 (1) the obligation or expenditure is approved by  
9 an affirmative vote of at least  $\frac{2}{3}$  of the members of  
10 the board present at the meeting;

11 (2) at least 6 members of the board are present  
12 at the meeting at which it is approved; and

13 (3) each member of the board has been given  
14 at least 3 days advance notice of the meeting at  
15 which the vote is to be taken and the matters to be  
16 voted upon at that meeting.

17 (h) FISCAL ACCOUNTABILITY.—

18 (1) FISCAL YEAR.—The Corporation shall es-  
19 tablish as its fiscal year the 12-month period begin-  
20 ning on October 1.

21 (2) BUDGET.—The Corporation shall adopt a  
22 budget for each fiscal year.

23 (3) ANNUAL AUDITS.—The Corporation shall  
24 engage an independent accounting firm to conduct

1 an annual financial audit of the Corporation's oper-  
2 ations and shall publish the results of the audit.

3 **SEC. 3. ACCOUNTABILITY MEASURES.**

4 (a) OBJECTIVES.—The Board shall establish annual  
5 objectives for the Corporation for each fiscal year subject  
6 to approval by the Secretary, in consultation with the Sec-  
7 retary of Homeland Security and the Secretary of State.  
8 The Corporation shall establish a marketing plan for each  
9 fiscal year not less than 60 days before the beginning of  
10 that year and provide a copy of the plan, and any revisions  
11 thereof, to the Secretary.

12 (b) BUDGET.—The board shall transmit a copy of the  
13 Corporation's budget for the forthcoming fiscal year to the  
14 Secretary not less than 60 days before the beginning of  
15 each fiscal year, together with an explanation of any ex-  
16 penditure provided for by the budget in excess of  
17 \$5,000,000 for the fiscal year. The Corporation shall  
18 make a copy of the budget and the explanation available  
19 to the public and shall provide public access to the budget  
20 and explanation on the Corporation's website.

21 (c) ANNUAL REPORT TO CONGRESS.—The Corpora-  
22 tion shall submit an annual report for the preceding fiscal  
23 year to the Secretary of Commerce and the Secretary of  
24 Homeland Security for transmittal to Congress on or be-

1 fore the 15th day of May of each year. The report shall  
2 include—

3 (1) a comprehensive and detailed report of the  
4 Corporation's operations, activities, financial condi-  
5 tion, and accomplishments under this Act;

6 (2) a comprehensive and detailed inventory of  
7 amounts obligated or expended by the Corporation  
8 during the preceding fiscal year;

9 (3) a detailed description of each in-kind con-  
10 tribution, its fair market value, the individual or or-  
11 ganization responsible for contributing, its specific  
12 use, and a justification for its use within the context  
13 of the Corporation's mission;

14 (4) an objective and quantifiable measurement  
15 of its progress, on an objective-by-objective basis, in  
16 meeting the objectives established by the board;

17 (5) an explanation of the reason for any failure  
18 to achieve an objective established by the board, and  
19 any revisions or alterations to the Corporation's ob-  
20 jectives under subsection (a);

21 (6) a comprehensive and detailed report of the  
22 Corporation's operations and activities to promote  
23 tourism in rural and urban areas; and

24 (7) such recommendations as the Corporation  
25 deems appropriate.

1 **SEC. 4. MATCHING PUBLIC AND PRIVATE FUNDING.**

2 (a) ESTABLISHMENT OF TRAVEL PROMOTION  
3 FUND.—There is hereby established in the Treasury a  
4 fund which shall be known as the “Travel Promotion  
5 Fund”.

6 (b) FUNDING.—

7 (1) FIRST YEAR.—For the period beginning on  
8 October 1, 2009, and ending on September 30,  
9 2010, from amounts deposited in the general fund of  
10 the Treasury from fees under section  
11 217(h)(3)(B)(i) of the Immigration and Nationality  
12 Act (8 U.S.C. 1187(h)(3)(B)(i)), the Secretary of  
13 the Treasury shall make available not more than  
14 \$100,000,000 to the Corporation. The Secretary of  
15 the Treasury shall make at least quarterly transfers  
16 to the Corporation to cover its initial expenses and  
17 carry out its functions under this Act.

18 (2) SUBSEQUENT YEARS.—For each of fiscal  
19 years 2011 through 2014, from amounts deposited  
20 in the general fund of the Treasury from fees under  
21 section 5, the Secretary of the Treasury shall trans-  
22 fer not more than \$100,000,000 to the Fund, which  
23 shall be made available to the Corporation, subject  
24 to subsections (c), (d), and (e), to carry out its func-  
25 tions under this Act. Transfers shall be made by the  
26 Secretary of the Treasury at least quarterly on the

1 basis of estimates by the Secretary of the Treasury,  
2 determined in consultation with the Board, of con-  
3 tributions made to the Corporation by non-Federal  
4 sources, and proper adjustments shall be made in  
5 amounts subsequently transferred to the extent prior  
6 estimates were in excess or less than actual con-  
7 tributions from non-Federal sources.

8 (c) MATCHING REQUIREMENT.—

9 (1) IN GENERAL.—The Secretary of the Treas-  
10 ury shall make available to the Corporation at least  
11 quarterly from amounts available in the Travel Pro-  
12 motion Fund—

13 (A) for fiscal year 2011, twice the amount  
14 that will be collected from non-Federal sources  
15 by the Corporation pursuant to section 4(b)(2)  
16 of this Act and not to exceed \$100,000,000;  
17 and

18 (B) for subsequent fiscal years, an amount  
19 equal to the amount that will be collected from  
20 non-Federal sources by the Corporation pursu-  
21 ant to section 4(b)(2) of this Act and not to ex-  
22 ceed \$100,000,000.

23 (2) GOODS AND SERVICES.—For the purpose of  
24 determining the amount of matching funds, other  
25 than money, available to the Corporation—

1           (A) the fair market value, as determined  
2           by the Corporation, of goods and services (in-  
3           cluding advertising) contributed to the Corpora-  
4           tion for use under this Act may be included in  
5           the determination; but

6           (B) the fair market value of such goods  
7           and services may not account for more than 80  
8           percent of the matching requirement for the  
9           Corporation in any fiscal year.

10          (3) RIGHT OF REFUSAL.—The Corporation may  
11          decline to accept any contribution in kind that it de-  
12          termines to be inappropriate, not useful, or commer-  
13          cially worthless.

14          (d) GRANT OFFSET.—For a given fiscal year, the  
15          Secretary of the Treasury shall reduce the total amount  
16          of funding to be transferred to the Corporation from the  
17          Travel Promotion Fund by the amount of Federal grants  
18          received by the Corporation pursuant to section 2(e)(2)(A)  
19          to be used during that fiscal year.

20          (e) LIMITATION.—The Corporation shall not expend  
21          funds or obligate to expend funds that will exceed total  
22          amounts received by the Corporation for a given fiscal  
23          year.

24          (f) CARRYFORWARD.—

1           (1) FEDERAL FUNDS.—Amounts transferred to  
2           the Fund under subsection (b)(2) shall remain avail-  
3           able until expended.

4           (2) MATCHING FUNDS.—Any amount received  
5           by the Corporation from non-Federal sources in fis-  
6           cal year 2010, 2011, 2012, 2013, or 2014 that can-  
7           not be used to meet the matching requirement under  
8           subsection (c)(1) for the fiscal year in which such  
9           funds were collected may be carried forward and  
10          treated as having been received in the succeeding fis-  
11          cal year for purposes of meeting the matching re-  
12          quirement of subsection (c)(1) in such succeeding  
13          fiscal year.

14   **SEC. 5. TRAVEL PROMOTION FUND FEES.**

15          Section 217(h)(3)(B) of the Immigration and Nation-  
16          ality Act (8 U.S.C. 1187(h)(3)(B)) is amended to read as  
17          follows:

18                 “(B) FEES.—(i) IN GENERAL.—No later  
19                 than September 30, 2009, the Secretary of  
20                 Homeland Security shall establish a fee for the  
21                 use of the System and begin assessment and  
22                 collections of that fee. The initial fee shall be  
23                 the sum of—

24                         “(I) \$10 per travel authorization; and



1           “(II) an amount that will ensure re-  
2           covery of the full costs of providing and  
3           administering the System, as determined  
4           by the Secretary of Homeland Security.

5           “(ii) DISPOSITION OF AMOUNTS COL-  
6           LECTED.—Amounts collected under clause (i)(I)  
7           shall be credited to the Travel Promotion Fund  
8           established by section 4 of the Travel Pro-  
9           motion Act of 2009. Amounts collected under  
10          clause (i)(II) shall be transferred to the general  
11          fund of the Treasury and made available to pay  
12          the costs incurred to administer the System.

13          “(iii) REPORT.—The Secretary of Home-  
14          land Security shall submit a report to Congress  
15          if the fee authorized by clause (i)(I) is not col-  
16          lected as authorized. The report shall include a  
17          plan for collecting the fee in the most expedi-  
18          tious manner.

19          “(iv) SUNSET OF TRAVEL PROMOTION  
20          FUND FEE.—The Secretary may not collect the  
21          fee authorized by clause (i)(I) for fiscal years  
22          beginning after September 30, 2014, unless  
23          Congress has authorized the Secretary to con-  
24          tinue to collect the fee authorized by clause  
25          (i)(I).”.

1 **SEC. 6. INVESTMENT OF FUNDS.**

2 Pending disbursement pursuant to a program, plan,  
3 or project, the Corporation may invest funds received by  
4 the Corporation only in obligations of the United States  
5 or any agency thereof, in general obligations of any State  
6 or any political subdivision thereof, in any interest-bearing  
7 account or certificate of deposit of a bank that is a mem-  
8 ber of the Federal Reserve System, or in obligations fully  
9 guaranteed as to principal and interest by the United  
10 States. The Secretary of the Treasury shall reduce the  
11 total amount of funding for a given fiscal year to be trans-  
12 ferred from the Travel Promotion Fund to the Corpora-  
13 tion by the amount of interest earned by the Corporation  
14 as a result of its investments pursuant to this section for  
15 the preceding fiscal year.

16 **SEC. 7. PROHIBITION ON USE OF FUNDS.**

17 No funds raised by the Treasury Department's Trav-  
18 el Promotion Fund or the Corporation for Travel Pro-  
19 motion may be used to directly promote or advertise a spe-  
20 cific corporation.

21 **SEC. 8. ASSESSMENT AUTHORITY.**

22 (a) IN GENERAL.—Except as otherwise provided in  
23 this section, the Corporation may impose an annual as-  
24 sessment on United States members of the travel and  
25 tourism industry. The Corporation shall determine—

1           (1) the industry segments that will be included  
2           in the initial assessment referendum;

3           (2) the target assessment level for the initial  
4           referendum;

5           (3) the percent of funds to be levied against  
6           each industry category and segment, based, to the  
7           extent possible, on quantifiable industry data, and  
8           bearing an appropriate relationship to the benefit  
9           derived from travel and tourism by those industry  
10          segments; and

11          (4) the assessment methodology and rate of as-  
12          sessment within each industry segment, that may in-  
13          clude, but is not limited to, a percentage of gross  
14          revenue or a per transaction charge.

15          (b) INITIAL ASSESSMENT LIMITED.—The Corpora-  
16          tion may establish the initial assessment after the date  
17          of enactment of the Travel and Tourism Promotion Act  
18          at no greater, in the aggregate, than \$20,000,000.

19          (c) REFERENDA.—

20                 (1) IN GENERAL.—The Corporation may not  
21                 impose an annual assessment unless—

22                         (A) the Corporation submits the proposed  
23                         annual assessment to members of the industry  
24                         in a referendum;

1 (B) the assessment is approved by a ma-  
2 jority of those voting in the referendum; and

3 (C) the Corporation determines the results  
4 of the referendum on the basis of weighted vot-  
5 ing apportioned according to the anticipated fi-  
6 nancial contribution made by each voting entity.

7 (2) PROCEDURAL REQUIREMENTS.—In con-  
8 ducting a referendum under this subsection, the Cor-  
9 poration shall—

10 (A) provide written or electronic notice not  
11 less than 60 days before the date of the ref-  
12 erendum; and

13 (B) describe the proposed assessment or  
14 increase and explain the reasons for the ref-  
15 erendum in the notice.

16 (d) COLLECTION.—

17 (1) IN GENERAL.—The Corporation shall estab-  
18 lish a means of collecting the assessment that it  
19 finds to be efficient and effective. The Corporation  
20 may establish a late payment charge and rate of in-  
21 terest to be imposed on any person who fails to  
22 remit or pay to the Corporation any amount as-  
23 sessed by the Corporation under this Act.

24 (2) ENFORCEMENT.—The Corporation may  
25 bring suit in Federal court to compel compliance

1 with an assessment levied by the Corporation under  
2 this Act.

3 (e) INVESTMENT OF FUNDS.—Pending disbursement  
4 pursuant to a program, plan, or project, the Corporation  
5 may invest funds collected through assessments, and any  
6 other funds received by the Corporation, only in obliga-  
7 tions of the United States or any agency thereof, in gen-  
8 eral obligations of any State or any political subdivision  
9 thereof, in any interest-bearing account or certificate of  
10 deposit of a bank that is a member of the Federal Reserve  
11 System, or in obligations fully guaranteed as to principal  
12 and interest by the United States.

13 **SEC. 9. AMENDMENTS TO THE INTERNATIONAL TRAVEL**  
14 **ACT OF 1961.**

15 (a) POWERS AND DUTIES OF SECRETARY OF COM-  
16 MERCE.—Section 201 of the International Travel Act of  
17 1961 (22 U.S.C. 2122) is amended—

18 (1) in the first sentence of the matter preceding  
19 paragraph (1)—

20 (A) by striking “and by the United States  
21 National Tourism Organization Act of 1996”;  
22 and

23 (B) by striking “United States National  
24 Tourism Organization” and inserting “Corpora-

1           tion for Travel Promotion (established by sec-  
2           tion 3 of the Travel Promotion Act of 2008)”;

3           (2) in paragraph (4), by striking “United  
4       States National Tourism Organization” and insert-  
5       ing “Corporation for Travel Promotion”; and

6           (3) by adding at the end the following:

7       “Such plan may not include a comprehensive international  
8       advertising campaign relating to critical tourism func-  
9       tions.”.

10       (b) TOURISM POLICY COUNCIL.—

11           (1) MEMBERSHIP.—Subsection (b) of section  
12       301 of the International Travel Act of 1961 (22  
13       U.S.C. 2124) is amended—

14           (A) by striking paragraphs (8) through  
15       (10);

16           (B) by redesignating paragraph (11) as  
17       paragraph (13);

18           (C) by inserting after paragraph (7) the  
19       following new paragraphs:

20           “(8) The Secretary of Homeland Security.

21           “(9) The Commissioner of U.S. Customs and  
22       Border Protection of the Department of Homeland  
23       Security.

1           “(10) The Assistant Secretary of U.S. Customs  
2           and Immigration Enforcement of the Department of  
3           Homeland Security.

4           “(11) The Secretary of Education.”; and

5           (D) in paragraph (13) (as redesignated by  
6           subparagraph (B) of this paragraph), by insert-  
7           ing “, in consultation with other members of  
8           the Council” at the end before the period.

9           (2) MEETINGS.—Subsection (d) of such section  
10          is amended to read as follows:

11          “(d) The Council shall meet not less than 2 times  
12          a year. For the purposes of conducting business, each  
13          member of the Council may appoint a designee to rep-  
14          resent such member during one or more meetings of the  
15          Council.”.

16          (3) INVOLVEMENT OF FEDERAL AGENCIES AND  
17          DEPARTMENTS.—Subsection (e) of such section is  
18          amended by adding at the end the following new  
19          paragraph:

20          “(4) Members of the Council shall provide the Cor-  
21          poration for Travel Promotion with timely information re-  
22          garding documentation and procedures required for ad-  
23          mission to the United States and regarding strategies  
24          planned by any Federal department or agency to promote  
25          travel to the United States for tourism, business, study,

1 scholarship, scientific exchange, or other purposes, so that  
2 the Corporation for Travel Promotion may better conduct  
3 its communications and promotion activities.”.

4 (4) ANNUAL REPORT.—Subsection (g)(3) of  
5 such section is amended by striking “United States  
6 National Tourism Organization” and inserting “Cor-  
7 poration for Travel Promotion”.

8 (5) APPLICABILITY OF FEDERAL ADVISORY  
9 COMMITTEE ACT.—Subsection (h) of such section is  
10 amended by striking “President of the United States  
11 National Tourism Organization” and inserting  
12 “President of the Corporation for Travel Pro-  
13 motion”.

14 (c) REPEAL OF AUTHORITIES RELATING TO THE  
15 UNITED STATES TRAVEL AND TOURISM PROMOTION AD-  
16 VISORY BOARD.—Section 210 of the Department of Com-  
17 merce and Related Agencies Appropriations Act, 2003  
18 (contained in title II of division B of Public Law 108–  
19 7; 117 Stat. 78–79; 22 U.S.C. 2122 note) is amended—

20 (1) by striking subsections (b) through (d); and

21 (2) by redesignating subsection (e) as sub-  
22 section (b).

23 **SEC. 10. DEFINITIONS.**

24 In this Act, the following definitions apply:



1           (1) BOARD.—The term “Board” means the  
2       board of directors of the Corporation.

3           (2) CORPORATION.—The term “Corporation”  
4       means the Corporation for Travel Promotion estab-  
5       lished by section 2.

6           (3) FUND.—The term “Fund” means the Trav-  
7       el Promotion Fund established by section 4.

8           (4) SECRETARY.—Except as otherwise expressly  
9       provided, the term “Secretary” means the Secretary  
10      of Commerce.

11 **SEC. 11. GAO STUDY.**

12       (a) IN GENERAL.—Not later than 90 days after the  
13      date of enactment of this Act, the Government Account-  
14      ability Office shall initiate a study to assess barriers to  
15      entry into the United States by foreign travelers. The  
16      GAO shall consult with the Department of Homeland Se-  
17      curity, including U.S. Immigration and Customs Enforce-  
18      ment and Customs and Border Protection, the Depart-  
19      ment of Commerce, and the Department of the Treasury,  
20      as necessary.

21       (b) REPORT.—Not later than 1 year after the date  
22      of enactment of this Act, the GAO shall report the find-  
23      ings to the appropriate Congressional committees. The re-  
24      port shall include—

- 1           (1) the GAO's findings on specific barriers to
- 2           entry into the United States by foreign travelers;
- 3           and
- 4           (2) recommendations for initiatives that may
- 5           reduce those barriers.

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